



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ENVIRONMENT AND FORESTS DEPARTMENT

NOTIFICATION

The 4th March, 2020

No. FRW.57/2005/Pt/344.- In exercise of the powers conferred by section 63 of the Biological Diversity Act, 2002(Central Act 18 of 2003), the Governor of Assam is hereby pleased to make the following rules, further to amend the Assam Biodiversity Rules, 2010, hereinafter referred to as the principal Rules, namely :-

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|------------------------------|---|
| Short title and commencement | 1. (1) These rules may be called the Assam Biodiversity (Amendment) Rules, 2019.
(2) They shall come into force on the date of their publication in the Official Gazette. |
| Amendment of rule 3 | 2. In the principal Rules, in rule 3, in sub-rule 2, in the last sentence, for the word 'The', appearing in between the punctuation mark “.” and the word 'appointment', the word 'Such' shall be substituted. |
| Amendment of rule 9 | 3. In the principal Rules, in rule 9,-
(i) in sub-rule 1, in clause 3, for the existing provision, the following shall be substituted, namely:-
“3. The Officer in-charge of Biodiversity in the Forest Department, not below the rank of Chief Conservator of Forests.”; |

- (ii) in sub-rule 2, for the first sentence and punctuation mark “.” appearing before clause 1, the following shall be substituted, namely :-

“The Board may invite representatives of Government Departments or persons of eminence from relevant field to the Board Meetings as per its requirements, as Special Invitees. In addition, the following shall be the Permanent Invitees to the Board Meetings who shall be nominated by the State Government :- ”

Amendment of rule 11

4. In the principal Rules, in rule 11,-

- (i) in sub-rule 1, for the existing provision, the following shall be substituted, namely :-

“1. The Officer-in-Charge of the Biodiversity in the Forest Department shall be the Member-Secretary to the Board.”;

- (ii) the existing provision in sub-rule (5) shall be deleted.

Amendment of rule 12

5. In the principal Rules, in rule 12,-

- (i) in sub-rule 4, for the words, “atleast” appearing in the first line, between the words “given” and “fifteen”, the word “normally” shall be substituted;

- (ii) in sub-rule 5, for the words, “by an officer to be elected by the members present from amongst themselves”, the words “by a member so decided from amongst those present” shall be substituted.

Amendment of rule 13

6. In the principal Rules, in rule 13, in the first sentence, in between the words “papers” and “if”, the words “by post or e-mail”, shall be inserted.

Amendment of rule 14

7. In the principal Rules, in rule 14,-

- (i) in clause (iv), in the existing provision in between the word “Nationals” and the punctuation mark “;”, the following shall be inserted, namely :-

“or body corporate, association or organization registered in India accept those covered under section 3(2) of the Act;”

- (ii) the existing provision in clause (vii) shall be omitted ;

- (iii) in clause (xi), in the existing provision, the word ‘complete’ appearing in between the words ‘a’ and ‘database’ shall be deleted ;

- (iv) in clause (xix), in the first line, for the words, “organize through mass media a comprehensive programme regarding”, the words “generate public awareness for”, shall be substituted ;

- (v) in clause (xxvii), in between the words “time to time” and the punctuation mark “;”, the words “in consultation with or on recommendation by the Biodiversity Management Committees” shall be inserted.

Amendment of rule 17

8. In the principal Rules, in rule 17,-

- (i) in sub-rule (3), in the last sentence, after the word and punctuation mark “Board”, the following shall be inserted, namely :-

“However, submission of proposals for fund from international donors shall be only with the prior approval of Finance Department through Environment and Forest Department.”;

- (ii) in sub-rule (5), after clause (iv), in the existing provision, the following para shall be inserted, namely:-

“The audit of the State Biodiversity Fund shall be done by A.G. (Audit), Assam.”

Amendment of rule 18

9. In the principal Rules, in rule 18, in sub-rule (1), in the third line, in between the words ‘resource for’ and ‘commercial utilization’, the words ‘research or for’ shall be inserted.

Amendment of rule 22

10. In the principal Rules, in rule 22, -

- (i) in sub-rule (1), in the first line, the words “by notification in the Official Gazette” appearing in between the words ‘shall’ and ‘formulate’, shall be deleted and thereafter in between the words “formulate” and “the”, the words “and notify” shall be inserted;

- (ii) in rule (5), in the third line, the word ‘and’ appearing in between the words “benefit claimers” and ‘may’ shall be substituted by the punctuation mark “.” and the words, “such benefits.”

Amendment of rule 23

11. In the principal Rules, in rule 23, in sub-rule (2), in the first line, in between the words “Accountant General” or “of”, the punctuation marks and word “(audit)” shall be inserted.

Amendment of rule 24

12. In the principal Rules, in rule 24, in sub-rule (1),-

- (i) in the first line, in between the words ‘local bodies’ and ‘and’ the words “Biodiversity Management Committees (BMC)” shall be inserted;

- (ii) in the fourth line, the words “and after consultation with the Central Government” appearing in between the words ‘Board’ and ‘shall’, shall be deleted.

Amendment of rule 25

13. In the principal Rules, in rule 25,-

- (i) in sub-rule (1), after the end of the existing provision, the

punctuation mark “.” shall be substituted with the punctuation mark “,” and thereafter the following words shall be inserted, namely:-

“starting at the appropriate level.”

- (ii) in sub-rule (3), in the second line, in between the words ‘have’ and ‘seven’, the word ‘atleast’ shall be inserted;
- (iii) in sub-rule (8), in the third line, for the words and punctuation mark, “Zila Parishad/Gaon Panchayat. The Expert Group shall”, the word “the District Administration or by the local body who” shall be substituted;
- (iv) in sub-rule (9), for the existing provision, the following shall be substituted, namely:-

“(9) The key mandate of the Biodiversity Management Committees shall be to promote conservation of biodiversity, ensuring sustainable utilization of biological resources and equitable sharing of benefits from the biodiversity. The Biodiversity Management Committees shall facilitate preparation of people’s Biodiversity Registers. The People’s Biodiversity Registers shall be prepared at appropriate levels, as decided by the Board from time to time, by using the process and the format set by the Board. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medical or any other use or any other traditional knowledge associated with them. A district wide network of Peoples’ Biodiversity Management Committee and local bodies shall be responsible for ensuring the protection of the knowledge recorded in the People’s Biodiversity Register especially to regulate its access to outside agencies and individuals.”;

- (v) in sub-rule (11), in the first line, the words ‘Zila Parishad and Gaon Panchayat’ appearing in between the words “the” and “Biodiversity” shall be deleted;
- (vi) in sub-rule (14), in the first line, the words and punctuation marks ‘at Gaon Panchayat/Municipality/Municipal corporation level’ appearing in between the words “Committee” and “may decide” shall be deleted;
- (vii) in sub-rule (16), in the first line, the words and punctuation marks “Gaon Panchayat/Municipality/Municipal Corporation level”, appearing in between the words “The” and “Biodiversity” shall be deleted.

Amendment of rule 26

14. In the principal Rules, in rule 26,-

- (i) in sub-rule (1), for the existing provision, the following shall be substituted, namely:-

“(1) Constitution of Local Biodiversity Fund :-

There shall be constituted a Fund to be called the Local Biodiversity Fund at every area notified by the State Government where any institution of self-government is functioning and there shall be credited thereto ,-

- (i) any grants and loans made under section 42 of Biological Diversity Act, 2002;
 - (ii) any grants or loans made by the National Biodiversity Authority;
 - (iii) any grants or loans made by the State Biodiversity Boards;
 - (iv) fees referred to in sub-section (3) of section 41 of the Act received by the Biodiversity Management Committees;
 - (v) all sums received by the Local Biodiversity Fund from such other sources as may be decided upon by the State Government.”
- (ii) in sub-rule (2), for the existing provision, the following shall be substituted, namely :-

“(2) Utilization of Local Biodiversity Fund :-

- (i) At the level of local body, the Local Biodiversity Fund shall be constituted.
- (ii) The Local Biodiversity Fund shall be utilized strictly in accordance with the provisions of sub-section (2) of section 44 of the Act which states that the fund shall be used for conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned local body and for the benefit of the community in so far, such use is consistent with conservation of biodiversity.
- (iii) The Fund shall be deposited in a Nationalized Bank/Scheduled Bank approved by the Biodiversity Management Committee and it shall be operated by the Chairperson of the Committee under his / her seal and signature or any other officer of the Biodiversity Management Committee as may be authorized in this behalf.”

Amendment of rule 27

15. In the principal Rules, in rule 27,-

- (i) in sub-rule (2), for the words “examiner of Local Fund Audits”, the words and punctuation mark “Director of Audit (Local Funds)” shall be substituted;

- (ii) in sub-rule (3), for the existing provision, the following shall be substituted namely:-

“(3) The Biodiversity Management Committee shall submit the annual report together with the audited statement of accounts to the local body concerned by the 30th day of September of the next financial year to enable the Local Body to submit it to the District Collector.”

Amendment of rule 29

16. In the principal Rules, in rule 29,-

- (i) in sub-rule (1), for the existing provision, the following shall be substituted, namely:-

“(1) If a dispute arises between the Authority and Board or between one Board and other Board(s) on account of implementation of any order/direction or on any issue of policy decision, either of the aggrieved party/parties i.e., Authority or the Board, as the case may be, shall prefer an appeal under section 50 of the Act. In the case of dispute between one Board and other Board(s), the Central Government shall refer the same to the National Biodiversity Authority under section 50(4) of the Act.’

- (ii) the existing provision in sub-rule (2), (3), (4), (5) and (6) shall be deleted and sub-rule (7) shall be renumbered as sub-rule (2).

Amendment of rule 31

17. In the principal Rules, in rule 31, for the words and figure, “Assam Biodiversity Rules, 2008”, the words, punctuation mark and figures “Assam Biodiversity Rules, 2010”, shall be substituted.

Amendment of Format-I

18. In the principal Rules, in Format-I, in Part-A, the existing provision in clause 9 shall be renumbered as clause 10 and in clause 9 the following shall be inserted, namely:-

“9. Details of Funding Agency.”

J. BARUA,

Additional Chief Secretary to the Government of Assam,
Environment and Forests Department.